

MTSA Regulations found at 33 CFR Subchapter H
Part 103 Area Maritime Security

"The information in this document is for use as an aid to interpretation. Should anything in this document be in conflict with 33 CFR Subchapter H or CG policy, then Subchapter H and the CG policy determinations control."

Q. Who establishes an Area Maritime Security Committee (AMSC) and what are its functions?

Ans. An Area Maritime Security Committee is established under the direction of the CG Captain of the Port (COTP) who, acting as the Federal Maritime Security Coordinator (FMSC), shall assist in the development, review, and update of an AMS plan for their area of responsibility. See 33 CFR 103.300 (a).

Q. What is the structure of an Area Maritime Security Committee (AMSC)? How does one become a member? What are the membership qualifications?

Ans. An AMSC, composed of not less than seven members having an interest in the security of the area, is established under the direction of the CG Captain of the Port (COTP) and will operate under terms specified in a written AMSC charter.

Members are appointed by the CG COTP who should consider the skills required by 33 CFR 103.410 and prior to appointment, a candidate may be required to undergo an appropriate security background examination.

Among other criteria, at least seven of the members must each have 5 or more years of experience related to maritime or port security operations. Committee members appointed to an AMSC serve for a term of not more than 5 years. See 33 CFR 103.305.

Q. Will members of an Area Maritime Security Committee (AMSC) be required to undergo a Background Investigation (BI) as a prerequisite to having access to Sensitive Security Information disseminated by the Federal Maritime Security Coordinator (FMSC)?

Ans. No, however under certain circumstances the FMSC, may designate individual AMSC members individually or as members of a subcommittee to conduct work that requires access to "classified" materials above the SSI designated level of information.

If an AMSC member is designated to have access to "classified" information above the SSI designated level, that member would be required to undergo a Background Investigation (BI) appropriate for the level of classified information access required. Though BI checks are voluntary, the procedure requires

completion of a personal information disclosure waiver before the BI is requested. See Navigation Vessel Inspection Circular 9-02 (rev 1).

Q. How is the Area Maritime Security Plan Developed?

Ans. The Area Maritime Security Plan is developed by the COTP in consultation with the AMS Committee and is based on an AMS Assessment (see 33 CFR 103.400). The AMS Plan must be consistent with the National Maritime Transportation Security Plan. Since portions of the AMS Plan may contain sensitive security information, those portions must be marked as such and protected in accordance with 49 CFR 1520. See 33 CFR 103.500.

Q. How is currency and effectiveness of an approved Area Maritime Security Plan validated?

Ans. The CG COTP/FMSC will coordinate an exercise with the AMS Committee at least once each calendar year, with no more than eighteen months between exercises, to test the effectiveness of the AMS Plan. See 33 CFR 103.515.

Exercise design will be based on threat information and encompass procedures for setting MARSEC levels. The exercise may be tabletop, field, or a combination of both. See NVIC 09-02 Change-1 page 4-34.

Q. Are there record-keeping requirements associated with Area Maritime Security Plans?

Ans. Yes, all records pertaining to the Area Maritime Security (AMS) Assessment and AMS Plan will be retained by the CG COTP for 5 years. Exercise related documentation must be retained by the Federal Maritime Security Coordinator/COTP for 2 years.

The AMS Committee Secretary will ensure that all exercise documentation required to be marked as SSI is properly marked and protected from release to any person not designated to have access to SSI materials. See 33 CFR 103.520 and NVIC 09-02 Change-1.

Q. What are the requirements for review and update of the Area Maritime Security Plan?

Ans. Informal review and update of the AMS Plan is a continuous and ongoing process. The AMS Committee will review all updates at least annually for accuracy, feasibility, consistency, and completeness. The Plan will also be

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reviewed after each activation, exercise or drill, and when Port conditions change. After each review, the Plan will be updated to include lessons learned from the activation, exercise or drill, and reflect changes to the Port conditions.

Formal, detailed reviews by the AMS Committee will be conducted every 5 years as required by the MTSA. See NVIC 09-02 Change-1.